

ARTICLE APPEARED
ON PAGE 4 Sec 1

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Memo aids Westmoreland case

From Chicago Tribune wires

NEW YORK—In a surprise disclosure at the CBS libel trial, lawyers for former Vietnam commander William Westmoreland have produced a memo that partly confirmed the retired general's account of a key intelligence briefing he had requested in May, 1967.

The memo confirmed that Westmoreland, then facing a new report indicating that two categories of enemy troops were substantially larger than previously believed, ordered his intelligence staff to "analyze this study in depth and determine how this information should be presented both officially and publicly."

A 1982 CBS documentary accused Westmoreland of blocking the report.

Earlier in the trial, now entering its ninth week, CBS attorneys questioned whether the meeting described in the memo had occurred. They said there was no military record of the meeting or of Westmoreland's assertion that he had asked for a more detailed briefing on the new troop figures.

THE MEMO, uncovered from

Army files by a retired colonel who has championed Westmoreland's case, was introduced Tuesday over the objections of CBS attorney David Boies, who suggested that it could have been forged. Asked why the memo had not been produced earlier, Westmoreland's attorney, Daniel Burt, said the Army's records office "told us they searched their files and . . . just couldn't find it" until now.

The memo was read aloud shortly before lawyers completed their questioning of Westmoreland, who has filed a \$120 million libel suit against CBS. The general contends that he was libeled by the documentary, which accused him of suppressing higher enemy-strength figures to make it appear that the U.S. was winning the Vietnam War.

U.S. District Judge Pierre N. Leval put Westmoreland back on the witness stand Wednesday to ask him some technical questions about the way the military chain of command was organized during the war. Leval said he needed the information in order to make certain unspecified rulings later in the trial.

CBS ACCUSED Westmoreland of

suppressing the 1967 intelligence report as part of a "conspiracy" to deceive his superiors. It said he arbitrarily dropped enemy "irregulars" from official estimates of enemy strength after the report showed that they had nearly doubled in size.

Westmoreland said he ordered his intelligence chief, Gen. Joseph McChristian, to give two briefings on the report. McChristian, a witness for CBS, said on the broadcast that Westmoreland blocked the report because he feared a "political bombshell."

Earlier, Boies questioned Westmoreland about an April, 1968, cable in which he expressed concern about a "leak" to the New York Times regarding CIA estimates that put total enemy strength at 480,000 to 615,000.

Five days later, Westmoreland sent a follow-up cable saying he wished to withdraw the previous cable: "Have destroyed all file copies in this headquarters and request that you do likewise."

Pressed by Boies, Westmoreland said he could not recall the reason for the second cable.